MDP
Maryland Department of Planning

Martin O'Malley
Governor
Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

March 31, 2008

Ms. Deborah A. Renshaw
Codes Administrator
Town of St. Michaels
P.O. Box 206
St. Michaels, MD 21663

Dear Ms. Renshaw:

The Maryland Department of Planning has completed the coordinated review of the update to the Town of St. Michaels Comprehensive Plan.

The draft Plan was sent to the Maryland Departments of Transportation, Environment, Natural Resources, Business and Economic Development, Housing and Community Development, Agriculture, and the Maryland Emergency Management Agency. Enclosed are comments from the Departments of the Environment and Natural Resources. Comments received after the date of this letter will be forwarded to you upon receipt.

Our planning staff has also reviewed the proposed update for consistency with the Planning Act of 1992, the Smart Growth Areas Act of 1997, HB1141 and other State growth management principles and policies. Our review comments are attached for your consideration.

Please contact Mr. Mark Gradecak at 410-819-4080 or me at 410-767-4500 if you have any questions about these comments or if we can be of any further assistance.

The Maryland Department of Planning looks forward to our continued planning coordination with the Town of St. Michaels.

Sincerely,

Stephanie Martins
Director, Planning Analysis and Local Assistance

cc: Mark Gradecak

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2305
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Principal MDP Staff Comments for the Town of St. Michaels Comprehensive Plan 2008 Draft Update

Chapter 1, Land Use and Growth Management

The draft states that "the St. Michaels Land Use Plan is the fundamental element that will determine the Town's future pattern of growth and development, Map 1-1."..."The Town Land Use Plan graphically represents the desired land use pattern for St. Michaels and serves as the basis for delineating zoning districts." These statements are correct. However, Map 1-1 is not a Land Use Plan map depicting future land uses, rather, it is the actual zoning. While inclusion of the existing zoning map provides additional and valuable detail with respect to specific regulations affecting existing and future land uses, it should be supplemented by an actual land use plan map that will provide the policy basis for a potentially updated and revised zoning map. The plan discusses data for two different geographies, the incorporated town and the planning area. It would be helpful if the planning area boundary were added to the "Land Use Plan Map 1-1" (or its replacement).

Chapter 2, Municipal Growth Element:

We commend the Town on their incorporation a Municipal Growth Element and build out analysis into the draft Comprehensive Plan. The draft plan does a good job of estimating the development capacity of the Town and future growth areas. However, it is unclear from the Plan the role this analysis will play in future planning. The absence of population projections from the Plan make it difficult to determine if there is the proper balance of supply (land) and demand (population). The Plan should provide population projections for the 20+ year plan horizon. The Maryland Department of Planning is currently working on developing population projections at the municipal level. If a balance does not exist then two scenarios will exist:

- Provide too little land for development (be it greenfields, redevelopment, or infill), and the land cost will become too high or development may spill over to adjacent areas.
- Provide too much land for development and it will tend to be used inefficiently. In addition, plans and growth controls will be marginalized because there are an abundance of locational options for each new development.

MDP believes that several additions are needed to make the *Plan* consistent with the provisions of Article 66B pertaining to the municipal growth element.

- There needs to be one clear population projection for the Town. A population projection is necessary in order for the municipal growth element to make a determination concerning future land demands and impacts on sensitive areas and infrastructure as required by the law. While the *Plan* does outline potential

impacts on community facilities and infrastructure at build out, the impact for the plan horizon is not always clear.

- The *Plan* needs to directly relate the Town's future population to land needs. The development capacity analysis in the *Plan* estimates that the Town can accommodate 491 additional dwelling units or 1,065 people or a total of 579 additional units including future annexation areas. However there is no population projection selected and therefore no actual projection of land needed to accommodate the actual anticipated population. Both are required in the 2006 amendments to Article 66B. A lack of a population projection and land needs analysis would also negatively affect efforts to extend the Priority Funding Area. Without an estimate of future population and land demand, there is no way to determine if designating future PFAs "represents a long-term development policy for promoting an orderly expansion of growth and an efficient use of land and public services..." as required for PFAs under Section 5-7B-02 of the State's Finance and Procurement Article.

  Recent estimates reported by the U.S. Census Bureau actually indicate that St. Michael's has lost population between 2000 and 2007 falling from 1,193 in 2000 to 1,099 in 2007.

Additionally, it would be helpful if the Plan included a detailed methodology on how capacity was calculated for the existing town and proposed areas of annexation.

Chapter 3, Environmental Resources and Sensitive Areas Protection

The Plan states that for calendar year 2003 average daily recorded flows equaled 468,000 gallons per day at the wastewater treatment plant. However, Table 3 indicates that existing flows are 324,700 gallons per day. It is not clear if sufficient future capacity at the Region III wastewater treatment plant (WWTP) will be allocated to St. Michaels to support the growth and development anticipated by this Comprehensive Plan. Chapter 3 would be greatly strengthened by the inclusion of a discussion of how, how much, and when, (capacity) will be made available to St. Michaels on an annual basis by Talbot County. If sufficient capacity is not made available on an annual basis to support economically viable development, this oversight could severely hamper and limit the Town's ability to rationally manage it's future growth.

Chapter 4, Water Resources Element

The WRE as submitted meets a number of the HB1141 requirements. MDP understands the difficulty associated with writing a new section for the comprehensive plan and considering water resources in such a broad and important way before making land use plan decisions. St. Michaels has made a decent first attempt. By incorporating MDP's edits, the WRE will more closely achieve the intent of HB1141.

MDP recommends combining the WRE vision on p.39, WRE goals on pp. 40-41, and the WRE objectives and implementation strategies on pp.46-47 to make the format of the element consistent with the other elements in the comprehensive plan, and to add clarity.

MDP commends St. Michaels on completing a build-out analysis to determine the additional number of residences possible both in-Town and in anticipated growth areas. This gives the Town an idea of the maximum amount of water and sewer service that would be needed to accommodate that growth. In addition, the build-out analysis gives the Town the opportunity to determine the potential changes in pollution as a result of additional WWTP flows, changes in septic tank flows (if septic tanks in growth areas are connected to the WWTP), and changes in the amount of pollutants in stormwater due to land conversion to development and impervious surfaces. The build-out analysis is based on the land use plan, existing zoning in the Town, and proposed residential zoning categories in the growth areas. Note: there is a discrepancy in the current number of residences listed (650 EDUs on page 39 versus 652 EDUs on p. 42).

The first requirement of the WRE is to identify "drinking water and other water resources that will be adequate for the needs of existing and future development proposed in the land use plan element." In Table 4.1, the Town uses the build-out analysis to estimate total potential water usage, both in-Town and in the growth areas. The table should list the units of measurement (i.e., gallons per day) and whether potential water demand refers to the estimated daily average gallons on a yearly basis versus for the month of maximum use. Table 4.1 is somewhat confusing though since it seems to attempt to estimate additional water needs (by excluding Rio Vista, which is already receiving Town water) at the same time that it attempts to estimate total potential water usage. If the Town wishes to estimate both of these things, MDP recommends developing two separate tables—Table 4.1a for estimating total potential water usage, and Table 4.1b for estimating additional potential water needs (above and beyond current usage). To estimate total potential water usage, the Town needs to include existing dwellings in Rio Vista since it is served by the Town water system. Including Rio Vista increases the total potential water usage to 375,627 GPD. If this is correct, this amount would be higher than the Water Appropriation and Use Permit restrictions listed on p. 45. Also, p. 25 notes that total water usage could be 289,912 GPD, which does not match the figure provided on p. 40. If possible, provide an estimate of when build-out would occur and what the total water needs would be in the near-term (e.g., 10 to 20 years), considering past population trends. In addition, the source water demand is limited to residential use. Please note the existing and potential water demand from non-residential uses including commercial, industrial, and institutional uses. Accounting for both residential and commercial needs is listed as one of the WRE goals (see p. 40). Also, the plan mentions that employment and economic growth are key interests to the Town. With regard to the adequacy of the drinking water source, the sensitive areas element notes that there is "abundant groundwater". If possible, please cite the data or study that indicates this. Also note whether there are any concerns about the source water, such as saltwater intrusion, naturally occurring contaminants, or protection of recharge areas, as identified in the MDE Source Water Assessment for the Town's water system. The WRE goal on p. 41

hints at the presence of naturally-occurring arsenic in the groundwater and the need to address it.

The second requirement of the WRE is to identify "suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs of existing and future developments proposed in the land use plan element." Although the WRE identifies the Miles River and San Domingo Creek as waterbodies adjacent to the Town, and identifies the Miles River as the discharge point for the Talbot County Region II WWTP, the element does not specifically state that these waterbodies are impacted by stormwater runoff from the town or from septic tanks in the proposed growth areas. Next, the WRE does not discuss whether these waterbodies are "suitable" given existing and future wastewater and stormwater impacts to those receiving waters. To help with this assessment, the WRE should include a forecast of total future pollutant loads from wastewater (WWTPs, septic tanks) and stormwater runoff from existing and future development. This analysis should be prepared to evaluate the effectiveness of proposed WRE recommendations for nutrient management for the Land Use Plan presented. MDE has a spreadsheet to help with this forecast. The St. Michaels WRE hints that such a forecast was considered in the title on p. 45, "Point and Nonpoint Source Loading Status and Remediation"; however, this section does not provide this forecast and instead describes current efforts to control stormwater impacts.

The Town has completed some initial steps that could be used to carry out a forecast of total future pollutant loads from existing and future development—specifically, the build-out analysis of total future households and the anticipated future total wastewater needs at build-out. The future total wastewater needs can be translated into future total wastewater pollution by considering the GPD flowing to the WWTP and the treatment level of the WWTP. MDE can provide a simple formula for calculating this. Note on p. 42 that the Region II WWTP will be upgraded to Enhanced Nutrient Removal (ENR), not Biological Nutrient Removal, and will reduce phosphorus discharge to 0.3 mg/L (nitrogen discharge can be reduced to 3 mg/L under ENR). Indicate when the treatment upgrade will likely happen.

The Town's estimate of future total wastewater needs at build-out (Table 4.2) should include a footnote stating the reason for using 185 GPD per EDU as the planning figure for future needs (i.e., grinder pumps will reduce infiltration and inflow, thereby reducing total flow per EDU). The Town should consider non-residential sewer needs as well. In addition, this Table has the same problems as Table 4.1—it's trying to show future total wastewater needs at the same time as trying to show only the additional future wastewater flows (above and beyond what's currently served by the Region II facility). MDP recommends a Table 4.2a to show future total wastewater demand at build-out (which would include Rio Vista), and Table 4.2b to show additional future wastewater flows (which should not only exclude Rio Vista but should also exclude the existing residences in St. Michaels, which are already served by the Region II facility). Also, it is unclear whether the Region II facility has already reserved capacity for the 43 additional units possible in Rio Vista. The MGE on p. 25 excludes these 43 units in its calculation of future sewer needs, but they are included in Table 4.2. Also on p. 25, the demand at

build-out is mistakenly listed as 536 units. Although 536 is the additional number of dwelling units possible in-town and in the growth areas (excluding Rio Vista), the demand is actually higher since the existing dwelling units in the growth areas (e.g., Pea Neck) will also need water/sewer (excluding Rio Vista). Lastly, the Town should estimate what the Town's near-term sewer needs will be.

Even after the wastewater calculations are redone, the issue remains the same of the Town not having enough wastewater capacity from the Region II facility to accommodate all residential growth at build-out. Although the Town lists reducing infiltration and inflow and developing a capacity management plan for the Region II facility as a method to address this issue, the Town might want to include additional language in the WRE. Examples would include listing how much sewer capacity the Town believes it owns and controls (with reference to specific documents and agreements), and the impact of phasing of Region II capacity on the Town's growth plans.

The WRE needs to have stronger recommendations for limiting the wastewater and stormwater impacts caused by existing and future Town development on Miles River and San Domingo Creek. For the most part these are missing. Pursuing smart growth initiatives, which can reduce land consumption from sprawl, can help limit stormwater impacts at the watershed level by reducing road building and total impervious surface. Although the WRE describes current stormwater requirements, the WRE should consider whether these requirements are sufficient for protecting Miles River and San Domingo Creek. The WRE does include recommendations that go beyond current stormwater requirements, which are listed on p. 41. Also, staff recommends that St. Michaels consider how the greenway and gateway proposals could benefit water quality by the use of rain gardens and other onsite infiltration technologies.

MDP does recognize the practical limitations associated with the geography and topography of St. Michaels and its environs. However, the WRE should consider the impacts of other land uses in the Miles River and San Domingo Creek watersheds. Overall, the purpose of considering land uses and impacts outside of the town are to recognize that these impacts can limit the availability of the receiving waters for absorbing future stormwater and wastewater impacts from the Town.

Chapter 5, no comments

Chapter 6, Transportation

MDP is pleased with the Town's general transportation visions as well as its objectives and implementation strategies that integrate transportation system with land use planning. We strongly support that transportation needs are an integral part of land use planning. Also encouraging a pedestrian-friendly environment on walkways, in parks, around waterfronts and trails is another good policy. Improving the ease and safety for bicycle travel will provide excellent access to parks, waterfront destinations and any other activity destinations in tourism areas. Consequently, the Town's transportation plan is consistent with MDP's goal to emphasize multi-modal transportation planning.

Chapter 7, no comments

Chapter 8, Historic and Cultural Resource Protection
Staff defer to comments provided by the Maryland Historic Trust, provided under separate cover (attached).

Chapter 9, no comments

Chapter 10, no comments

Chapter 11, Community Character, Design and Appearance
Staff commend the Town for including visions and policies that help residents, potential developers, staff, the Planning Commission and the Board of Appeals make better development review and approval decisions. This would also be an appropriate place to include additional guidelines and/or requirements for enhanced "green" building, parking, and general site design that promote on site water management and minimize off site stormwater impacts.

Chapter 12, Governance and Communications
This appears to be the appropriate chapter for addressing the following issues required by Article 66B: "an element which shall contain the planning commission's recommendation for land development regulations to implement the plan and which encourages the following:

1. streamlined review of applications for development, including permit review and subdivision plat review within the areas designated for growth in the plan;
2. the use of flexible development regulations to promote innovative and cost-saving site design and protect the environment; and
3. economic development in areas designated for growth in the plan through the use of innovative techniques.

Chapter 13, no comments

General Comments:
Section 3.05 (7)(i) states: Each planning commission of a county that is located on the tidal waters of the State and that exercises authority under this article shall include in its plan the designation of areas on the tidal water or in close proximity to the tidal water for the following purposes:

1. loading and unloading finfish and shellfish;
2. processing finfish and shellfish; and
3. docking and mooring commercial fishing boats and vessels

The designated areas described above shall be geographically located to:

1. facilitate the commercial harvesting of finfish and shellfish; and
2. assure reasonable access to the waterways of the State by commercial watermen.

Such a commercial fisheries element is missing from this Plan. St. Michael's Planning Commission is located in a county (Talbot) that is located on the tidal water of the State and exercises authority under Article 66B.

The following comments are page specific and are offered as suggestions for clarification or correction.

pg.14: line 1.2.3 "...impact when **the need for** such studies **is** determined by the Town **Planning** Commission."

pg. 17: line 22 "...service already **provided** to Town residents."

pg 18: table 2-1, An asterisk next to In-Town dwelling balance (491) could identify the subtotal allocated to the Miles Point proposal to provide additional clarity and context.

pg 21: Area E "...includes land north**east** of Route 33..."
Area F "...land south**west** of Route 33..."

pg 29: If this is Map 2-1, it should be so labeled to conform to the text. Additionally, a larger more legible legend incorporating more easily differentiated colors who be very helpful. Space for such an improved legend exists in the upper right corner of the map.

pg 35: map 3-2, If no IDA exists on the map, that designation should be removed from the legend (and a note to that effect added). Also, a "map" requires a north arrow and scale for proper orientation.

pg 40: table 4.1 To be consistent with the table heading, a column for "existing" water usage should be added. Also, it would be illuminating to include the actual numerical limits contained in the Water Appropriation and Use Permit (after referencing it...).

Pg. 42, end of second paragraph: "...currently expected to come online in 2007." Please update this statement. Did the upgrade come online? If not, what is the new anticipated completion time frame?

Pg 42, fourth paragraph: That discussion (of estimated flows from various areas) should be strengthened by a description of how the estimates were made, i.e. what information and assumptions led to the conclusions presented?

Ppg 44-45, The drinking water assessment appears to have been well done, and the Town is commended for this effort.

Maryland Department of the Environment Comments

March 28, 2008

St. Michaels Comprehensive Plan – LP2008 0204-0006
Review Comments Prepared by the Water Supply Program, WMA, MDE
March 27, 2008

General Comments:

Current and future water demands are described including appropriation permit information and a brief description of sources. There is no mention of any assessment undertaken to estimate or protect future water resources. Also, no strategies or policies to protect the water quality of current or future water sources are identified.

Review Criteria:

1) Show boundaries of relevant areas – **Provided.**

2) Describe types of assessments – **Not Provided. There is no description of assessments undertaken.**

3) Describe permitted capacity of water system and general status of drinking water sources – **Provided.**
   a. Their current permit, which expires in 2015, is TA1979G004 and is for a daily avg of 325,000 gpd and a max avg. of 450,000 gpd from 2 wells in the Aquia aquifer. Their max built-out demand is for 293,384 gpd, which is within the permit limits.
   b. A review of the pumpage reports for the past 5 years indicates their use is within the permitted limits.

4) Estimate future demand – **Provided, however certain issues should be clarified.**
   a. Do estimates include commercial or industrial use?
   b. Since water use is very seasonal in this community, they should evaluate peak day demands and determine whether existing storage is sufficient.

5) Estimate potential ground water resources – **Not Provided, however it appears the current permit is adequate to meet projected need.**

6) Identify strategies to meet future water quantity demands – **Not Provided, however it appears the current permit is adequate to meet projected need.**

7) Identify strategies to protect current and future water sources – **Not Provided.**
   a. St. Michael's is in the process of bringing a treatment system online to remove naturally occurring arsenic. At some point, they should evaluate whether the treatment plant is capable of treating the additional water to meet projected needs.
   b. St. Michael's water source is a confined aquifer, which is considered to be a protected source.

8) Evaluate the capacity of rural areas to support uses in those areas – **Not Provided, but not applicable.**

9) Provide policies that set forth the goals with respect to management and use of water resources and how these goals guide the WRE – **Not provided.**

10) Describe actions planned to make sure that water supplies are adequate and safe to meet future demands – **Not provided.**
   a. The community may wish to implement demand management technologies such as water conservation and/or water reuse to help meet projected demand.

St Michaels Comprehensive Plan – LP2008 0204-0006
Review Comments Prepared by the Wastewater Permits Program, WMA, MDE
March 28, 2008

Comments:

1. The wastewater capacity for St Michaels is included in the capacity management plan for the Talbot County Region II Sanitary District. The Talbot County Region II capacity management plan should be referenced in the St Michaels Comprehensive Plan.

2. The map shows commercial areas that are not specifically identified as included in current or projected flows.

3. The treatment plant expansion to 0.66 MGD is scheduled to be completed this summer. The existing permit includes limits for phosphorus and nitrogen that will go into effect upon completion of the upgrade.

4. The plan includes MDE's recommended I&I, which is conservative. Correction of the I&I is noted as a future possibility to accommodate growth, if needed. No schedule is included for the I&I correction.

5. The plan does not include monitoring and control of future sewage flows, or existing allocation approvals that represent future flows. MDE recommends that a procedure for allocating future flows be included in the St Michaels plan.

Comments from the Maryland Department of Environment's Science Services Administration (SSA): Consistency with Total Maximum Daily Loads (TMDLs)

March 28, 2008

Review Finding: The Town of St. Michaels Draft Comp Plan 2008 (LP2008 0204-0006) is found to be R4: Additional Information Requested, relative to the Water Resources Element, described below.

Water Resources Element: The Water Resources Element of the Comprehensive Plan requires a simple nonpoint source feasibility analysis to estimate changes in nutrient loads resulting from proposed land use changes. MDE SSA requests that the municipality provide an NPS analysis, or obtain a commitment, in writing, from Talbot County to perform the Town's NPS analysis as part of the County Water Resource Element.

The nonpoint source analysis must provide, at a minimum, the following information:

1. Describe Alternative Land Use Options
2. Perform and Document an NPS Analysis (including Nitrogen and Phosphorus loads)
    a. Describe Methods and Justify Assumptions that differ from the NPS Spreadsheet that is available upon request from MDE (See below).
3. Compare Results for Alternative Options
    a. NPS Nutrient Loads
    b. Amount of Impervious Cover
    c. Point and Nonpoint Nutrient Load Trade-offs
4. Include Recommendations in the Comprehensive Plan for Refining the NPS Analyses in the future

A more detailed description of the nonpoint source analysis can be found in the Water Resources Element Guidance. The Guidance can be download from the following website: http://www.mdp.state.md.us/mgs/pdf/mg26.pdf

(This may take a while to download because this file is over 15 MB in size)

Assistance in performing the nonpoint source analysis is available from the Maryland Department of the Environment (See below). MDE can provide an NPS loading spreadsheet tailored to each jurisdiction.

A Municipality may choose to defer the nonpoint source analysis to the County provided that the Municipality obtains correspondence from the County stating that the County has agreed to perform the analysis as part of its WRE.

The jurisdiction must make an explicit request to obtain assistance. Requests should be directed to Janice Outen by letter or email:

Janice Outen
Maryland Department of Environment
1800 Washington Blvd.
Baltimore MD 21230
jouten@mde.state.md.us

The following qualifying comments are intended to alert interested parties to the need for comprehensive plans to be consistent with water quality standards. The comments address 1) Impaired waters in the vicinity, which are identified on Maryland's 303(d) List, 2) TMDLs in the vicinity, which have been established for impaired waters, 3) Special protections for high-quality waters in the vicinity, which are identified pursuant to Maryland's anti-degradation policy, and 4) General guidance.

1) Water Quality Impairments: Section 303(d) of the federal Clean Water Act requires the State to identify impaired waters and establish Total Maximum Daily Loads (TMDLs) for the substances causing the impairments. A TMDL is the maximum amount of a substance that can be assimilated by a waterbody such that it still meets water quality standards.

The Town should be aware of existing water quality impairments identified on Maryland's 303(d) list. The Town is situated in two watersheds, identified by the 8-digit codes 02130502 (Miles River) and 02130403 (Lower Choptank).

Town planners may find a list of nearby impaired waters by entering the 8-digit basin code into an on-line database linked to the following URL:
http://www.mde.state.md.us/Programs/WaterPrograms/TMDL/Maryland%20303%20dlist/303d_search/index.asp

This list is updated every even calendar year. Town planners should review this list periodically to help ensure that local decisions consider water quality protection and restoration needs. Briefly, the current impairments that are relevant to the Town include the following*:

Miles River (02130502):

- Nutrients: Tidal part of Miles River. A TMDL is pending.
- Sediments: Tidal part of Miles River. A TMDL is pending.

Lower Choptank River Watershed (basin 02130403):

- Nutrients: Tidal part of Lower Choptank River. A TMDL is pending.
- Sediments: Tidal part of Lower Choptank River. A TMDL is pending.
- Bacteria, Tidal Shellfish Areas: A TMDL was completed in 2005 including the subwatershed 021304030457, or San Domingo Creek.

* Note that upstream jurisdictions also share in the responsibility for addressing downstream impairments, which might not be identified in the summary above. In addition, jurisdictions that eventually drain to the Chesapeake Bay have a general responsibility to the control nutrients as part of the Chesapeake Bay Agreement Tributary Strategies.

2) TMDLs: Development and implementation of the Comprehensive Plan should take into account consistency with TMDLs developed for the impaired waterbodies referenced above. Government decisions made prior to the development of a TMDL should strive to ensure no net increase of impairing substances. TMDLs are made available on an updated basis at the following web site:
www.mde.state.md.us/Programs/WaterPrograms/TMDL/Sumittals/index.asp

3) Anti-degradation of Water Quality: Maryland requires special protections for waters of very high quality (Tier II waters). The policies and procedures that govern these special protections are commonly called "anti-degradation policies." This comprehensive plan amendment does not involve any Tier II waters. However, Tier II waters could be added to State regulations in the future.

Presently, no Tier II waters have been identified in the Town's vicinity. Planners should check for Tier II waters in the Code of Maryland Regulations 26.08.02.04 during future land use plan updates:
http://www.dsd.state.md.us/comar/26/26.08.02.04%2D1.htm

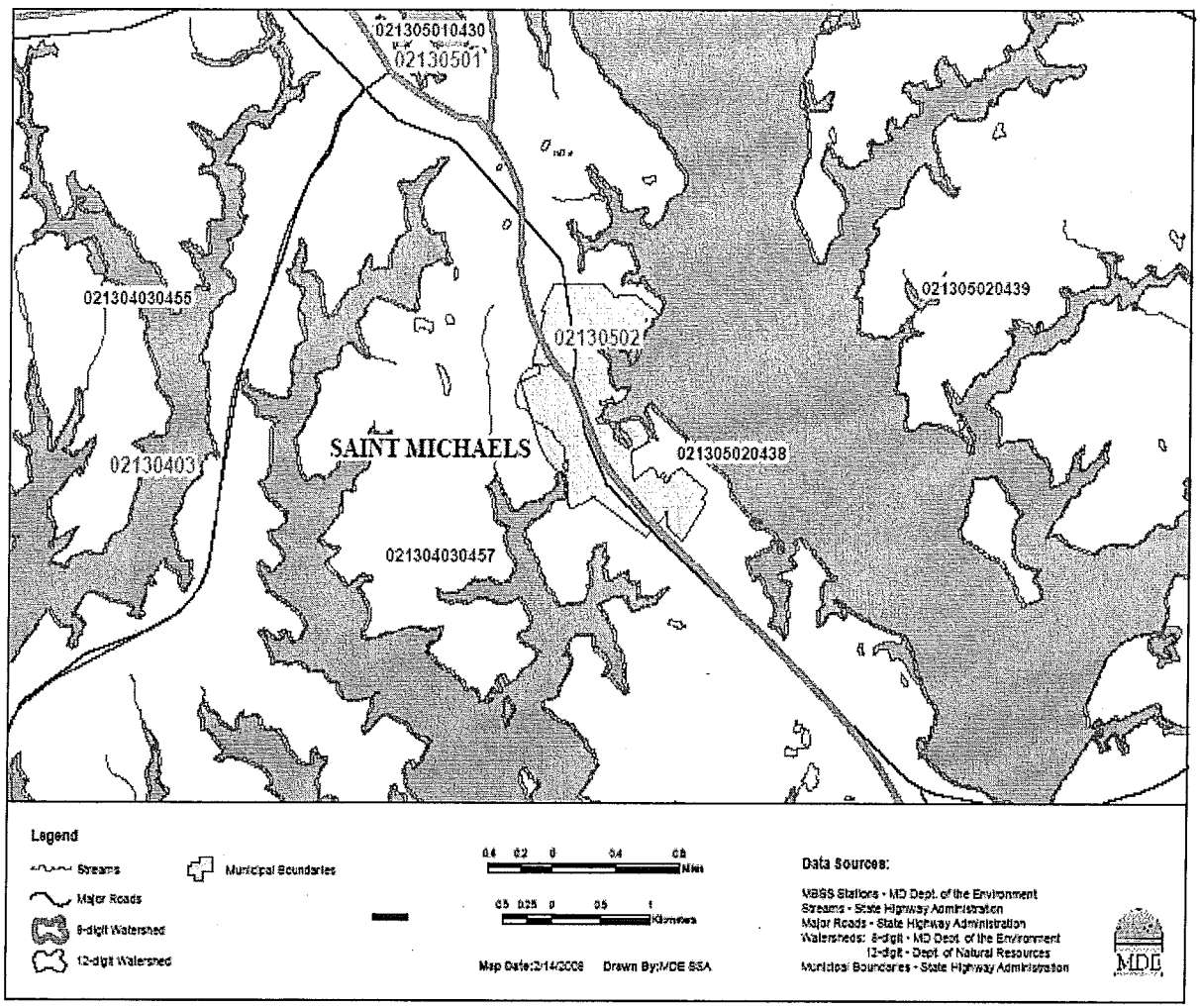
4) General Guidance: Land use planning should reflect the necessary limits on pollutant loads. Techniques now exist to support land development that minimizes the generation of the pollutants that are impairing our waters. It will be in the interest of local jurisdictions to adopt these techniques to optimize growth in a manner that is consistent with TMDLs and the Tributary Strategies for nutrient reduction developed under the 2000 Chesapeake Bay Agreement.

Examples of planning techniques that consider TMDLs:

- Consider alternatives to surface water discharges, where applicable. For example, consider identifying land for future spray irrigation of treated municipal waste if the direct discharge of effluent to a stream could become limited by a TMDL or the Bay Agreement nutrient allocations.
- Consider land use planning that will maximize the preservation of forested land, which contributes the least amount of nutrient loading per acre.
- Consider giving priority to site designs that minimize impervious area and nutrient loads per unit of development.

For more general guidance:
"Protecting Water Resources with Smart Growth":
http://www.epa.gov/smartgrowth/water_resource.htm
"Best Development Primer":
http://www.epa.gov/smartgrowth/pdf/bestdevprimer.pdf
"Maryland's 2006 TMDL Implementation Guidance for Local Governments"
http://www.mde.state.md.us/Programs/WaterPrograms/TMDL/TMDL_implementation_2006_guidance_document.asp
"Better Site Design: A Handbook for Changing Development Rules in Your Community."
http://www.cwp.org/better_site_design.htm

For more MDE guidance, contact Jim George (410) 537-3902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Legend
Streams
Municipal Boundaries
Major Roads
8-digit Watershed
12-digit Watershed
Miles
Kilometers
Map Date:2/14/2008
Drawn By:MDE SSA
Data Sources:
MBSS Stations - MD Dept. of the Environment
Streams - State Highway Administration
Major Roads - State Highway Administration
Watersheds: 8-digit - MD Dept. of the Environment
12-digit - Dept. of Natural Resources
Municipal Boundaries - State Highway Administration
MDE

MARYLAND
DEPARTMENT OF
NATURAL RESOURCES

13 March 2008

Ms. Stephanie Martins, Director
Land Use Planning and Analysis
Maryland Department of Planning
301 West Preston Street, Suite 1101
Baltimore, Maryland 21201-2305

Dear Ms. Martins:

This letter is in response to your letter, dated 30 January 2008, requesting the Department of Natural Resources to review and make a consistency determination on the Town of St. Michaels Comprehensive Plan 2008 Draft Update submitted by the Town of St. Michaels.

The Environmental Review Unit of the Department of Natural Resources has reviewed the subject plan. We have determined that the plan is consistent with Department of Natural Resources goals, objectives and programs. However, we offer the following comments that the applicant should consider in finalizing their plan:

***Page 35**: The Critical Area Land Use Map states that IDA areas are highlighted in red. However, it appears that the IDA areas are highlighted in white. Please have the Town correct the map to accurately shoe the IDA—designated areas in red.*

Thank you for the opportunity to review and comment on this plan. If you should have any questions concerning our review, please contact me at 410-260-8333.

Sincerely,

Roland J. Limpert
Environmental Review Unit